

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10/18/06

Judy H. Dane  
Signature

Judy H. Dane  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

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Date: 9/27/00

Jessica Barlow Daniels  
Signature

Jessica Barlow Daniels  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

1 Attorney: MICHAEL R. MONTERO, ESQ.

2  
3 Address: Echeverria Law Office  
4 9432 Double R Boulevard  
5 Reno, Nevada 89521

6 Phone Number: (775) 786-4800

7 Fax Number: (775) 786-4808



8  
9 (Signature)

10  
11 MICHAEL R. MONTERO, ESQ.

12 (Printed or typed Name)

13  
14 Jessica Barlow Daniels

15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

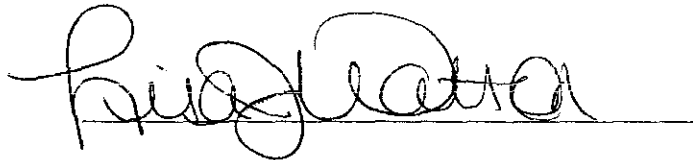
Pursuant to FRCP 5(b), I certify that I am an employee of the Echeverria Law Office and that on the date set forth below I served a copy of the attached **Notice of Appearance and Intent to Participate** on those parties identified below by:

- ☒ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail at Reno, Nevada.
- ☐ Personal Delivery
- ☐ Electronic transmission via U.S. District Court CM/ECF
- ☐ Telephonic Facsimile at the following numbers:
- ☐ Federal Express or other overnight delivery
- ☐ Certified Mail Return Receipt Requested

addressed to:

Susan L. Schneider, Attorney  
U.S. Department of Justice  
P.O. Box 756  
Littleton, CO 80160-0756

DATED this 28<sup>th</sup> day of September, 2006.





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Date: 9/27/06

John Eric Daniels

Signature

John Eric DANIELS

Printed/Typed Name

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acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

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Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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1 Attorney: Michael R. Montero, Esq.

2  
3 Address: Echeverria Law Office  
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6 Phone Number: (775) 786-4800

7 Fax Number: (775) 786-4808

8   
9 (Signature)

10  
11 MICHAEL R. MONTERO, ESQ.

12 (Printed or typed Name)

13  
14 John Erle Daniels

15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)

**CERTIFICATE OF SERVICE**

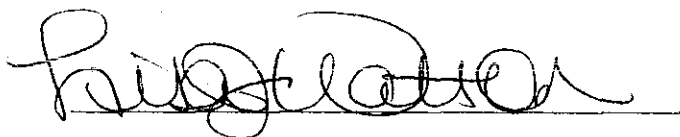
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addressed to:

Susan L. Schneider, Attorney  
U.S. Department of Justice  
P.O. Box 756  
Littleton, CO 80160-0756

DATED this 28<sup>th</sup> day of September, 2006.





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Date: 09/10/2006

Dennis Davidson  
Signature

DENNIS DAVIDSON  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Date: 9/18/06

Joni Davidson  
Signature

Joni Davidson  
Printed/Typed Name

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(Title)

\_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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United States Department of Justice  
Environment & Natural Resources Division  
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telephone number, and facsimile number:




1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8   
9 (Signature)

10  
11   
12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
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18 (Address)

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Date: 9/18/06



Signature

Nathan S. Davidson

Printed/Typed Name

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(Title)

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in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

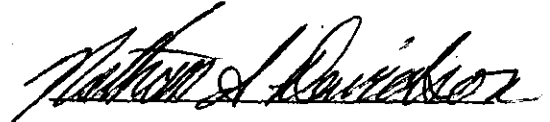
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

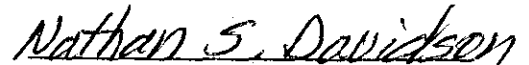
2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)



RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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Date: Sept 9 - 2006

Bobby R Day

Signature

Bobby R Day

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of

(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.



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**SSA DEATH RECORD**

Information Current Through: 11/09/2006  
Database Last Updated: 11/13/2006  
Update Frequency: WEEKLY  
Current Date: 11/15/2006  
Source: Social Security Administration Death Index

**IDENTIFYING INFORMATION**

Name: **HELEN DAY**  
SSN: 566-30-XXXX  
State Where SSN Issued: CALIFORNIA

**INFORMATION REGARDING DECEASED**

Date of Birth: 03/30/1927  
Date of Death: 10/25/2005  
Age at Death: 78  
Verification of Death: (P) Proof of Death Certificate Observed  
Last Residence: YERINGTON, NV 89447

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)  
to order copies of documents related to this or other matters.  
Additional charges apply.

END OF DOCUMENT

(C) 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

Exhibit 39



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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

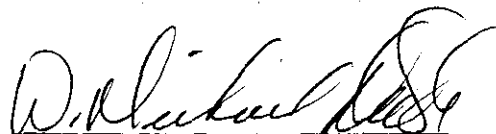
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 W. Michael DeBusk

12 (Printed or typed Name)

13 ANNETTE G. DEBUSK

14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 39 PIT ROAD

18 WELLINGTON NV 89944

19 (Address)

20 775-465-2907

21 (Telephone number)



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Case 3:73-cv-00123-MMP Document 4 Filed 02/28/07 Page 30 of 40

Record Number 010 001 001  
Last Updated 12/06/02 By SHEEPMAN  
Ownership (F6=All Owr. F7=Documents)  
Legal Owner DEBUSK, W MICHAEL & ANNETTE G  
Assessed Owner DEBUSK, W MICHAEL & ANNETTE G  
Mail Address 39 PIT ROAD  
City, State WELLINGTON, NV Zip 89444-0000  
Vesting Doc #, Date 148504 1/24/92 Yr, Bk, Pg 00 000 000 Corr Rq'd  
Map Document #s PM56630  
Description (F11=Additional Locations)  
# Dir Street or Other Description Unit #(s)  
Property Location 39 PIT RD 34-11-23 FR NE4SW4/PAR 1  
Subdivision Block Lot  
Town  
Property Name  
Remarks 6/00 190SF LEFT OFF RES/POLE BARN, SHED NO PERMITS  
Parcel # Containing Descriptive/Document Data  
Size  
Total Acres 4.61 Square Feet 0  
Ag Acres .00 W/R Acres .00  
F9=Scan >/< > F10=Other Functions F12=Cancel F14=Imprvmnts/Appraisal Data  
F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years  
F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts



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Date: 9-10-06

  
Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Sngl-Fam Detached.	1	Non-Dwell Units..	0	Sq Ft Garage.	0	Att/Det	
Sngl-Fam Attached.	0	MH Hookups....	0	# Bdrms..	3	#Baths..	2.00
Multi-Fam Units....	0	Wells.....	1	# of Stories.....			1.0
Mobile Homes.....	0	Septic Tanks.....	1	Sq Ft Basement.....			0
Tot Dwell Units:	1	SqFt Bldgs	1,485	Sq Ft Fin Basement.....			0

Use/Appraisal Data

Current Land Use Code.: 200 (To change, go to Tax Year Data screen)

Zoning Code(s)..... RR2T

Special Ownership..... Special Prop..... Class..... 2.00

Re-appraisal Group..... 03 Factoring Group... 00 Developer Discount.

Re-appraisal Year..... 2001 Orig Constr Year.. 1945 Weighted Year..... 1985

User-defined Fields: 1st Set..... (F11=Show 2nd set of fields).

Mobile Home Sq Ft.....	Smaller Residence Sq Ft.
Other Building Sq Ft....	Attached Garage Sq Ft...
Commercial Sq Ft.....	Detached Garage Sq Ft...

F9=Scan >/< > F10=Other Functions F12=Cancel F13=Ownership/Description  
F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years  
F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts

*one*  
*18/06*



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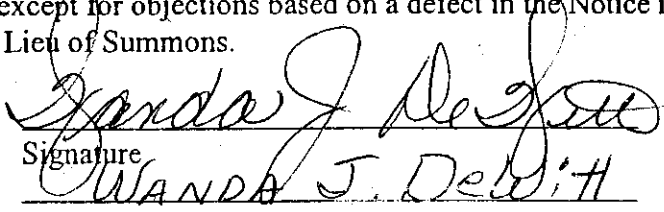
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Date: Sept 19, 06

  
Signature

Wanda J. DeWitt  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of

(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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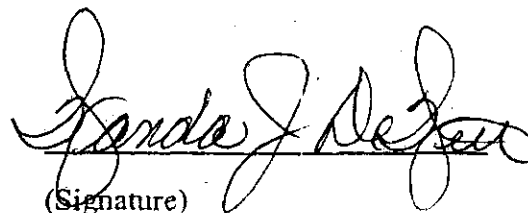
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1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8  
9   
(Signature)

10  
11 WANDA J. DeWitt  
12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)  
20  
21  
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Date: 1-3-06

  
Signature

RICHARD J. SIEKMANN  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
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